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OGC 61-0825(a)

29 May 1961

**MEMORANDUM FOR: Deputy Comptroller**

**SUBJECT: Effective Date for Home Leave Entitlements Under Title IV of Public Law 86-707**

1. By your memorandum of 17 May 1961, you have requested the opinion of this Office as to "the appropriate effective date to be used in computing employee entitlements under Title IV, 'Amendments to Annual and Sick Leave Act of 1951, as provided in Public Law 86-707.'" When this subject first came up in the drafting of an Agency regulation to put into effect the statutory allowances of home leave, this office ruled that the effective date was 6 September 1960. We find no reason to change that ruling.

2. The following information is appropriate as background on this question. Section 101 of Public Law 86-707 states that it is the purpose of the act "to improve and strengthen the administration of overseas activities of the Government by . . . (2) providing for the uniform treatment of Government employees stationed overseas to the extent justified by relative conditions of employment and (3) establishing the basis for the more efficient and equitable administration of the laws compensating Government employees for the extra costs and hardships incident to their assignments overseas." Section 111 applies the provisions of the act to civilian employees in each department and agency of the Executive Branch of the Government. Section 401(f) of the act states: "Upon completion of 24 months of continuous service outside the United States, officers and employees may be granted in accordance with regulations of the President, leave of absence . . . ."

3. The Civil Service Commission has adopted regulations implementing this act. Section 30.606 of the Federal Personnel Manual states that: "Home leave may not be granted until the completion of 24 months of continuous creditable service abroad . . . . Under Section 30.601(c), "Service Abroad" is defined as "service on and after September 6, 1960, as an employee of any agency of the Federal Government at a position of duty outside the United States and outside the employee's place of residence, if his residence is the Commonwealth of Puerto Rico or any one of the possessions of the United States."

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4. The language of the act and the regulation is clear upon its face. Notwithstanding the fact that the effective date of the regulation is the first day of the first pay period following 6 September 1960, the date from which the 24-month service period should be counted is 6 September 1960. According to the Civil Service Commission, the 6 September 1960 date allows employees of all agencies of the Government to begin the service period from the same date.

  
Assistant General Counsel

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